

MIOSKOWSKI ET AL.
Appl. No. 10/553,260
Atty. Ref. 1721-100
Amendment After Final Rejection
November 25, 2008

REMARKS

Reconsideration is requested.

The Examiner's telephone message of August 20, 2008 acknowledging that claims 1-8 are in condition for allowance is noted with appreciation. Claims 1-8 have not been rejected or object-to in the Office Action of July 25, 2008.

Claims 1-10, 12-14, 16 and 17 are pending. Claims 11 and 15 have been cancelled without prejudice.

The claims have been amended, without prejudice, to advance prosecution. No new matter has been added and the claim amendments do not raise new issues requiring further search and/or consideration. Entry of the present Amendment and allowance of all of the claims are requested.

Claim 9 has been revised based on the disclosure, such as, on page 5, lines 1-20 of the specification wherein the applicants describe the protection of the nanotubes by the polymerized lipid. The above-amended claim 10 finds support, for example, in the description of Example 2 of the specification. Claim 9 has been revised to include details of claim 11, which finds support, for example, on page 5, lines 12-26 and Examples 2-4 of the specification. The Examiner is urged to appreciate that the specification demonstrates use of an electric field to recover polymerized lipids from the structures of the claimed invention which may then be used as vectors (see Example 4 of the specification) as well as the use of heat to recover nanotubes stripped of the polymerized lipid (see Example 3 of the specification). The above-amended claim 12 finds support, for example, in the disclosure of Example 3 of the specification. Claim 13

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has been revised above based on the disclosure of page 5 of the specification. Claim 14 has been revised above based on the description of, for example, page 5, line 22 through page 6, line 29, of the specification. Claim 15 has been cancelled, without prejudice. Claim 16 has been revised, without prejudice, based on for example the disclosure of page 7, lines 1-13, page 6, lines 18-29, and originally-filed claim 16. Claim 17 has been revised above as suggested by the Examiner on page 4 of the Office Action dated July 25, 2008.

Entry of the present Amendment is requested. No new matter has been added.

The Section 112, first paragraph “enablement”, rejection of claims 9, 10 and 12 is believed to be obviated by the above amendments. Entry of the present Amendment and withdrawal of the rejection are requested. As noted above, the specification exemplifies removal of the polymerized lipid rings by application of an electric field to recover the polymerized lipid for further use as a vector, for example. The specification also exemplifies however the stripping of the polymerized lipid from the nanotubes with heat. See Example 3 of the specification. The amended claims are submitted to be supported by an enabling disclosure. One of ordinary skill in the art will be able to make and use the claimed invention without undue experimentation. Entry of the present Amendment and withdrawal of the rejection are requested.

The Section 112, first paragraph “enablement”, rejection of claim 13 is obviated by the above amendment. Entry of the Amendment and withdrawal of the Section 112, first paragraph, rejection of claim 13 are requested.

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The Section 112, first paragraph "written description", rejection is obviated by the above amendments. Support for the amended claims is detailed above. Entry of the present Amendment and withdrawal of the rejection are requested.

The Section 112, second paragraph, rejection of claims 9-12 and 14 is obviated by the above amendments. The claims are submitted to be definite. Entry of the present Amendment and withdrawal of the Section 112, second paragraph, rejection are requested.

The claims are submitted to be in condition for allowance. Entry of the present Amendment and a Notice of Allowance for all of the claims are requested. The Examiner is requested to contact the undersigned, preferably by telephone, in the event anything further is required in this regard.

Respectfully submitted,

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